

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINACharles Gamble, #34426, *a/k/a Charles
Edward Gamble, Jr.*,

PETITIONER

v.

Warden Nelson,

DEFENDANT

Case No. 4:20-cv-4224-TLW

Order

Petitioner Charles Gamble filed this action seeking habeas corpus relief under 28 U.S.C. § 2254.¹ ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (“Report”) filed by the magistrate judge to whom this case was assigned. ECF No. 9.

In the Report, the magistrate judge recommends that Plaintiff’s complaint be dismissed without prejudice because he failed to comply to the magistrate judge’s proper form order. ECF No. 5. Plaintiff did not file objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200

¹ As noted by the magistrate judge, Petitioner originally filed this action pursuant to 28 U.S.C. § 2241.

(4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 9, is **ACCEPTED**. This matter is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

November 7, 2022
Columbia, South Carolina